

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HONG S. HAN, WEN D. LIN, TIAN W. YE, XIAO X.
LIAN, LI C. CHEN, and CAI S. CHEN,

Plaintiffs,

v.

KAWA SUSHI INC., KAWA SUSHI 8 AVENUE, INC.,
KAWA SUSHI II, INC., SUSHI A LA KAWA 22, INC.,
YI XIANG CAO, XIN JIE WANG, PING ZHUANG
WANG, ZI LI KE, and YI FENG WANG,

Defendants.
----- X

08 Civ. 2060 (SAS)

**REQUEST TO ENTER
DEFAULT**

TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Please enter default of defendant Sushi A La Kawa 22, Inc., pursuant to Rule
55(a) of the Federal Rules of Civil Procedure, for failure to plead or otherwise defend the above-
captioned action as fully appears from the attached declaration of Rahul Mukhi.

Dated: New York, New York
May 5, 2008

CLEARY GOTTlieb STEEN & HAMILTON LLP



By: Rahul Mukhi (rmukhi@cgsh.com)

1 Liberty Plaza
New York, NY 10006
Tele: (212) 225-2000

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HONG S. HAN, WEN D. LIN, TIAN W. YE, XIAO X.
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YI XIANG CAO, XIN JIE WANG, PING ZHUANG
:
WANG, ZI LI KE, and YI FENG WANG,
:

Defendants.
:
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**DECLARATION OF RAHUL MUKHI IN SUPPORT OF
PLAINTIFFS' REQUEST FOR CERTIFICATE OF DEFAULT
AGAINST DEFENDANT SUSHI A LA KAWA 22, INC.**

Pursuant to 28 U.S.C. § 1746, Rahul Mukhi declares as follows:

1. I am a member of the bar of this Court in good standing and an associate with the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel to Plaintiffs. I submit this declaration in support of Plaintiffs' request for a certificate of default against defendant Sushi A La Kawa 22, Inc.

2. On March 21, 2008, Plaintiffs filed the Affidavit of Deborah LaPointe of Demovsky Lawyer Service (attached hereto as Ex. A) stating that Sushi A La Kawa 22, Inc., was served in this action on March 14, 2008, when Ms. LaPointe delivered two copies of the Summons and Complaint, the Individual Rules and Procedures of Judge Shira A. Scheindlin, ECF procedures, and Individual Practices of Magistrate Judge Ronald L. Ellis, to the Secretary of State of the State of New York, together with the requisite fee, pursuant to New York Business Corporations Law § 306.

3. The time within which Sushi A La Kawa 22, Inc. was to answer or otherwise respond to the Complaint has expired, and Sushi A La Kawa 22, Inc., has failed to plead or otherwise defend the above-captioned action.

4. Sushi A La Kawa 22, Inc., is a corporation and to my knowledge is not an infant, in the military, or an incompetent person.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 5, 2008



RAHUL MUKHI
(rmukhi@cgsh.com)

Exhibit A



Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HONG S. HAN, WEN D. LIN, et al.,

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE
08 CV 02060

KAWA SUSHI INC., SUSHI 8 AVENUE, INC., et al.,

Defendant(s).

-----X
STATE OF NEW YORK)
S.S.:
COUNTY OF ALBANY)

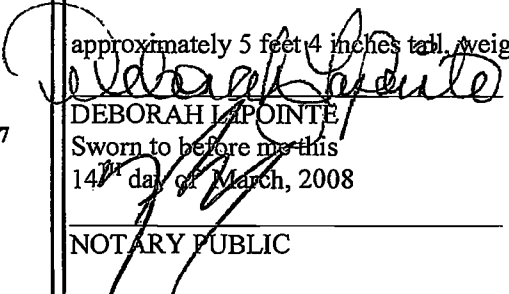
DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 14TH day of March, 2008, at approximately the time of 1:00P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the SUMMONS AND COMPLAINT AND INDIVIDUAL RULES AND PROCEDURES OF JUDGE SHIRA A. SCHEINDLIN AND ECF PROCEDURES AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS upon ~~DEBORAH~~ ^{Sushi} A LA KAWA 22, INC., the defendant in this action, by delivering to and leaving with DONNA CHRISTIE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

DONNA CHRISTIE is a white female, approximately 45 years of age, stands

approximately 5 feet 4 inches tall, weighs approximately 145 pounds with blonde hair and blue eyes.


DEBORAH LAPOINTE
Sworn to before me this
14TH day of March, 2008

NOTARY PUBLIC

D.L.S., Inc.
100 State St.
Ste 220
Albany, NY 12207
800-443-1058
www.dlsny.com

FRANK J. PANUCCI
Notary Public, State of N.Y.
Qualified in Albany Co.
Reg. No. 4721156
Commission Expires July 31, 2010

State of New York - Department of State
Receipt for Service

Receipt #: 200803170162
Date of Service: 03/14/2008
Service Company: 10 D.L.S. INC. - 10

Cash #: 200803170163
Fee Paid: \$40 - CHECK

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS
CORPORATION LAW

Party Served: SUSHI A LA KAWA 22, INC.

Plaintiff/Petitioner:
HAN, HONG S

Service of Process Address:
SUSHI A LA KAWA 22, INC.
22 MAIDEN LANE
NEW YORK, NY 10038

Secretary of State
By DONNA CHRISTIE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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[PROPOSED] CLERK'S
CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on February 29, 2008, with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant Sushi A La Kawa 22, Inc. on March 14, 2008, by delivering two copies thereof to the Secretary of State of the State of New York, together with the requisite fee, pursuant to New York Business Corporations Law § 306, and proof of such service thereof was filed on March 21, 2008.

I further certify that the docket entries indicate that defendant Sushi A La Kawa 22, Inc., has not filed an answer or otherwise moved with respect to the complaint herein. The default of defendant Sushi A La Kawa 22, Inc., is hereby noted.

Dated: New York, New York
May __, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By: _____
Deputy Clerk